

Wildlife Restoration/Hunter Education Advisory Team



Advisory 2020-013: Researching Regulations and Business Practices

July 1, 2020

Can a State fish and wildlife agency use Wildlife Restoration funds to research how regulations and business practices might be a barrier to hunter and recreational shooter recruitment and retention?

Discussion: This question is related to [Advisory 2020-010](#): Translating and Clarifying Regulations. This Advisory repeats much of the information provided in that Advisory, but adds the context of researching barriers in regulations as well as business practices.

From Advisory 2020-010:

“According to Service Manual chapter 521 FW 1.8(E), the following are considered ineligible activities for WSFR funding:

Establishment, publication, and dissemination of regulations issued by a State pertaining to the protection and utilization of fish and wildlife resources. Includes laws, orders, seasonal regulations, bag limits, creel limits, license fees, etc. This does not prohibit the scientific collection of information needed to support management recommendations.

The Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act (Modernizing PR Act) (Public Law 116-94), enacted in December 2019, expands the range of activities that can be funded under Pittman-Robertson Wildlife Restoration Act (WR Act) grants to include hunter and shooter recruitment, as defined in the Modernizing PR Act, from funds allocated under Sections 16 U.S.C. 669c(c) and 16 U.S.C. 669h-1 of the WR Act. Additionally, the Modernizing PR Act removed the blanket prohibition on funding projects for “public relations” purposes, while retaining the prohibition on funding law enforcement activities with any funds available under the WR Act. Due to these new statutory changes to the WR

Act, many long-standing Service policies will need to be revised, amended, or rescinded to reflect this new legislation.

The Service Manual Chapter at 521 FW 1, adopted in October 2001, needs to be updated to reflect these new purposes. Since the prohibition on law enforcement was not removed, the Advisory Team considered whether researching regulations are primarily law enforcement activities or fit within the newly enacted recruitment purposes allowed by the Modernizing PR Act.

The Team concluded that to become a responsible hunter, which is one of the primary purposes of the Basic Hunter Education program, using funds at 16 U.S.C. 669c(c), and Enhanced Hunter Education using funds at 16 U.S.C. 669h-1, it is imperative that the public become knowledgeable and informed about hunting season dates, bag limits, legal hunting zones, and other laws and orders that are specified in hunting regulations and materials.”

Therefore, removing barriers to public understanding of existing regulations is eligible. Beyond hunter education, these activities could also be interpreted to support recruitment efforts to inform new hunters about laws and orders governing hunting in a specific State.

As stated in Advisory 2020-010, the Team also concluded that there is a clear distinction that can be made between ineligible activities for developing (such as the reviewing, writing, editing, or revising regulations) and enforcing laws and eligible activities for informing the public about the laws and

hunting opportunities.

Regarding researching business practices, research (including human dimensions), has always been allowable under 50 CFR 80.50(a)(2).

Advisory: Activities that are conducted to inform and educate the public and create greater understanding about their responsibilities to comply with laws, orders, and regulations are not considered law enforcement activities and therefore are considered eligible using funds at 16 U.S.C. 669c(c) (R3) or at 16 U.S.C. 669h-1 (Enhanced Hunter Education/R3), including researching potential barriers in hunting regulations and business practices. The activities of developing (including reviewing, writing, editing, and revising), adopting, implementing, and enforcing hunting laws, orders, and regulations are clearly activities directly related to creating and enforcing laws and therefore ineligible for WSFR funding.